IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

Bail Appl..No. 5224 of 2007()

CMP.5558/2007 of J.M.F.C.-II,NEYYATTINKARA
CRIME NO.87/2007 OF POZHIYOOR POLICE STATION

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PETITIONER/2ND ACCUSED

SHIJU, S/O SEKHARAN, KAVUVILAVEEDU,
VELIAMKOTTUKONAM, AYIRA DESOM,
KARODE VILLAGE, NEYYATTINKARA,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.S.D.ASOKAN

RESPONDENTS: COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
POZHIYOOR POLICE STATION, POZHIYOOR.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.5224 of 2007

Dated this the 5th day of September, 2007

ORDER

Application for regular bail. The petitioner is the 2nd accused. He faces allegations for the offences punishable, inter alia, under Section 380 I.P.C. The alleged incident took place on 6.7.07. The crux of the allegations is that the accused persons, 2 in number, trespassed into the house of the defacto complainant after removing the tiles of the roof and had stolen costly articles including mobile phone, calculator etc. The crime was registered on 08.07.07. The petitioner is named in the F.I.R. He was arrested and continues in custody from 10.07.07. The co-accused is absconding. He has not been apprehended yet. Some of the stolen articles have allegedly been recovered after interrogation of the petitioner.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied in the facts and circumstances of this case that the petitioner, who has remained in custody from 10.07.07 and against whom there is no allegation of any criminal antecedents, can now be enlarged on bail subject to appropriate terms and conditions.

3. In the result, this application is allowed. The petitioners shall be released on bail on the following terms and conditions.

i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R.BASANT, JUDGE)

rtr/-